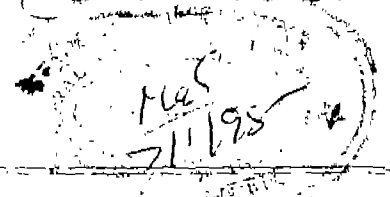




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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii) PART II—Section 3—Sub-section (iii)

केंद्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किये गये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union
Territories)

भारत निर्वाचन आयोग
नई दिल्ली, 8 सितम्बर, 1997

आदेश

आ. अ. 215.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की मारणी के स्तम्भ (2) में यथाविनिर्दिष्ट उत्तर प्रदेश राज्य से लोक सभा के लिये साधारण निर्वाचन के लिये जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनियम बनाए गये नियमों द्वारा अपेक्षित उक्त मारणी के स्तम्भ (5) में यथादणित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है।

और उक्त अभ्यर्थियों ने सम्यक् सूचना दिये जाने पर भी उक्त असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की मारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये उस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

सारणी

क्रम सं.	निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्रम सं. व नाम	निर्वाचन करने वाले अभ्यर्थी का नाम व पता	निरर्हता का कारण
1	2	3	4	5
1.	उत्तर प्रदेश राज्य से लोक सभा के लिये साधारण निर्वाचन, 1996	6—अमरगोहा	मौ. बसीम 6 गफूर नगर ओखला, नई दिल्ली।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	—वही—	9—मम्थल	मौ. बसीम 6 गफूर नगर, ओखला, नई दिल्ली।	—वही—
3.	—वही—	36—खलीलाबाद	ओम प्रकाश, गढ़वाल बस्ती (उ.प्र.)	—वही—
4.	—वही—	50—गाजीपुर	अखिलेश, ग्रा. व पो.—सुखडेहरा, जिला—गाजीपुर (उ.प्र.)	—वही—
5.	—वही—	—वही—	अनिल, ग्रा. चक अहमद, पो.—बैराबारी, जिला—गाजीपुर (उ.प्र.)	—वही—
6.	—वही—	—वही—	अमर सिंह, ग्रा. व पो.—उतरौली, जिला—गाजीपुर (उ.प्र.)	—वही—
7.	—वही—	—वही—	अंगद, ग्रा. व पो.—असांव, जिला—गाजीपुर (उ.प्र.)	—वही—
8.	—वही—	—वही—	गुलाब चन्द, ग्रा. सकरताली, पो.—खानपुर, जिला—गाजीपुर (उ.प्र.)	—वही—
9.	—वही—	—वही—	जितेन्द्र बहादुर सिंह, ग्रा. कुर्था पो.—बुसैनपुर, जिला—गाजीपुर (उ.प्र.)	—वही—
10.	—वही—	—वही—	जोगेन्द्र, ग्रा. हुस्सेपुर (कोठिया) पो.—नोनहेरा, जिला—गाजीपुर (उ.प्र.)	—वही—
11.	—वही—	—वही—	त्रिभुवन नारायण, ग्रा. व पो.—पटकनिया, (उ.प्र.)	—वही—
12.	—वही—	—वही—	महेन्द्र, ग्रा. व पो.—चकअब्दुल सतार, जिला—गाजीपुर, उत्तर प्रदेश	—वही—

1	2	3	4	5
13.	उत्तर प्रदेश राज्य से लोक सभा के लिए साधारण, निर्वाचन, 1996	50—गाजीपुर	मुक्ति नारायण, ग्रा. व पो.—सरहुला, जिला—गाजीपुर (उ.प्र.)	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
14.	—वही—	—वही—	राजकुमार पुत्र मधुवन, ग्रा. हसनपुर उर्फ बछईपुर, पो.—बछईपुर जि.—बलिया, उत्तर प्रदेश	—वही—
15.	—वही—	—वही—	विजय बहादुर, ग्रा. सोनवल, पो.—भान्हारापुर, जिला—गाजीपुर (उ.प्र.)	—वही—
16.	—वही—	—वही—	शिवाजी राय, ग्रा. व पो.—गोडपुर, जिला—गाजीपुर (उ.प्र.)	—वही—
17.	—वही—	—वही—	संगम, ग्रा. मोहनपुरा, पो. बासदेवपुर, जिला गाजीपुर (उ.प्र.)	—वही—
18.	वही—	—वही—	शहजाद, खमरिया टाउन, भदोही (उ.प्र.)	—वही—
19.	—वही—	—वही—	दुर्योधन प्रसाद, देवहडमनगंज, मिर्जापुर, उत्तर प्रदेश	विधि द्वारा अपेक्षित रीति से लेखा दाखिल करने में असफल रहे
20.	—वही—	—वही—	का. दुधनाथ शुक्ला, खमरिया टाउन, भदोही (उ.प्र.)	—वही—
21.	—वही—	—वही—	इन्द्रजीत भारती, ग्रा. व पो.—बिहसटा, मिर्जापुर (उ० प्र०)	—वही—
22.	—वही—	—वही—	जयश्री देवी, ग्रा. निरंजनी मार्केट, गोपागंज, भदोही (उ.प्र.)	—वही—
23.	—वही—	—वही—	रामशादेवी माधोपुर लौहरा खास, भदोही (उ.प्र.)	—वही—
24.	—वही—	55—फूलपुर	पारसनाथ, मलेथग्रा, इलाहाबाद उत्तर प्रदेश,	—वही—
25.	—वही—	56—इलाहाबाद	प्रमोद श्रीवास्तव सी-25, सेक्टर 14 नोएडा जिला—गाजियाबाद (उ.प्र.)	—वही—
26.	—वही—	—वही—	रामबहादुर कौल, नेवादा पथरा (वाया) करछना, इलाहाबाद उत्तर प्रदेश	—वही—

1	2	3	4	5
27.	उत्तर प्रदेश राज्य के लोक सभा के लिए साधारण निर्वाचन, 1996	इनाहाबाद	रमाशंकर, निवारी पतलकी बसही, करछना, इनाहाबाद (उ.प्र.)	विधि द्वारा अपेक्षित रीति से एवं समय के अन्दर लेखा दाखिल करने में असफल रहें।
28.	-वही-	74-मथुरा	अशोक कुमार, 2338, अर्जुनपुरा, मथुरा (उ.प्र.)	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें।

[स. 76/उ.प्र.-लो.स./96]

आदेश से

एल. एच. फागकी, सचिव

ELECTION COMMISSION OF INDIA ORDER

New Delhi, the 7th September, 1997

O.N. 215.—Whereas, the Election Commission is satisfied that each of the contesting candidate specified in column 4 of the table below at the General Election to the House of the People in the State of Uttar Pradesh as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the rules made thereunder as shown in column (5) of the said Table :

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notices and the Election Commission is thus satisfied that they have no good reason or justification for the said failure ;

Now, therefore, in pursuance of Section 10-A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order :—

TABLE

Sl. No.	Particulars of Election	El. No. & Name of Constituency	Name of Contesting Candidate	Reason for disqualifications
1	2	3	4	5
1.	General-Election to the House of the People, 1996 in Uttar Pradesh.	6—Amroha	Md. Basim, 6-Gafur Nagar Okhla, New Delhi.	Failed to lodge any account of election expenses.
2.	-do-	9—Sambhel	Md. Basim, 6-Gafur Nagar, Okhla, New Delhi	-do-
3.	-do-	36—Khililabad	Om Prakash, Gadwal, Basti, Uttar Pradesh.	-do-
4.	-do-	50—Gazipur	Akhilesh, Vill. & P.O. Sukhdehra, Dist. Gazipur (UP)	-do-
5.	-do-	-do-	Anil, Vill. Chak Ahmad, P.O. Kheravari, Dist. Gazipur (UP)	-do-
6.	-do-	-do-	Amar Singh, Vill. & P.O. Autrouli, Dist. Gazipur (UP)	-do-
7.	-do-	-do-	Angad, Vill. & P.O. Asanv, Dist. Gazipur (UP)	-do-

1	2	3	4	5
8.	General Election to the House of the People, 1996 in Uttar Pradesh.	50-Gazipur	Gulab Chand, Vill. Sakartali, P.O. Khanpur, Dist. Gazipur (UP)	Failed to lodge any account of Election expenses.
9.	-do-	-do-	Jitender Bhadur Singh, Vill. Kurthi, P.O. Hussainpur, Dist. Gazipur (UP)	-do-
10.	-do-	-do-	Jogender, Vill. Hussepur (Kothia) PO. Nonhara, Dist. Gazipur (UP)	-do-
11.	-do-	-do-	Tribhuvan Narayan, Vill. & PO. Patkni, Patkniya (U.P.)	-do-
12.	-do-	-do-	Mahender, Vill. & P.O. Chakadul Sattar, Dist. Gazipur (U.P.)	-do-
13.	-do-	-do-	Mukti Narayan, Vill. & PO. Sarhulla, Dist. Gazipur (UP)	-do-
14.	-do-	-do-	Rajkumar, S/o Madhuvan, Vill. Hassanpur/Bachaipur, PO. Bachaipur, Dist. Ballia, (UP)	-do-
15.	-do-	-do-	Vijay Bhadur, Vill. Sonwal, P.O. Anharapur, Dist. Gazipur (UP)	-do-
16.	-do-	-do-	Shivaji Rai, Vill. & PO. Gowdur, Dist. Gazipur (UP)	-do-
17.	-do-	-do-	Sangam, Vill. Mohanpura, P.O. Basdevpur, Dist. Gazipur (UP)	-do-
18.	-do-	54-Mirjapur	Shahzad, Khamria Town, Bhadohi (UP)	-do-
19.	-do-	-do-	Com. Duyodhan Prasad, Devhadmanganj, Mirjapur (UP)	Failed to lodge the account of election expenses in the manner required by law.
20.	-do-	-do-	Dudhnath Shukla Khamria Town, Bhadohi (UP)	-do-

1	2	3	4	5
21.	General Election to the House of the People, 1996 in Uttar Pradesh.	54-Mirzapur	Inderjit Bharti, Vill. & PO. Bihsta, Mirzapur (UP)	Failure to lodge the account within time & in the manner required by law.
22.	-do-	-do-	Jai Shri Devi, Vill. Niranjni Market, Gopaganj, Bhdohi (UP)	-do-
23.	-do-	-do-	Ramgya Devi, Madhopur Lohra Khas, Bhadohi (UP)	-do-
24.	-do-	55-Phulpur	Parsnath, Melethua, Allahabad (UP)	-do-
25.	-do-	56-Allahabad.	Pramod Srivastav, C-25, Sector-14, Noida, Dist. Gaziabad, (U.P.)	-do-
26.	-do-	56-Allahabad	Rambahadur Kaul, Neveda Pathra, Via-Karchana Allahabad (UP)	-do-
27.	-do-	-do-	Ramashankar Tiwari, Patlki Vashi, Karchana, Allahabad, (U.P.)	-do-
28.	-do-	74-Mathura	Ahsok Kumar, 2338 Arjunpura Mathura (UP).	Failed to lodge the account of election expenses.

[No. 76/UP-HP/96]

By Order,
L. H. FARUQI, Secy.

आदेश

नई दिल्ली, 8 सितम्बर, 1997

आ०अ० 116.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट उत्तर प्रदेश राज्य से विधान सभा के लिए साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र में हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

सारणी

क्र०सं० निर्वाचन का विवरण	विधान सभा निर्वाचन क्षेत्र की क्र०सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरर्थता का कारण	
1	2	3	4	5
1. उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1996	16--काशीपुर	श्री बौलत सिंह, वाँटे नं०-2 अहमपुर, ग्रा० व पो० महुवाखेड़ागञ्ज, तह० काशीपुर, (उद्यमसिंह नगर) उत्तर प्रदेश ।	कोई भी लेखा दाखिल करने में असफल रहे ।	
2. --वही--	--वही--	श्री श्याम अरोरा, ग्रा० व पो० गढ़ीनेगी, तह० काशीपुर (उद्यमसिंह नगर) उत्तर प्रदेश ।	--वही--	
3. --वही--	--वही--	श्री कुवर पाल सिंह, ग्रा० शिवलालपुर अमरझण्डा, पो० काशीपुर, जिला--उद्यमसिंह नगर, उत्तर प्रदेश ।	विधि द्वारा लेखा दाखिल करने में असफल रहे ।	
4. --वही--	--वही--	हरीश, मो० रहमखानी, काशीपुर, जिला--उद्यमसिंह नगर, उत्तर प्रदेश ।	--वही--	
5. --वही--	74--बेहटा	तेजी, ग्रा० व पो० सेउता, जिला--सीतापुर, उत्तर प्रदेश ।	कोई भी लेखा दाखिल करने में असफल रहे ।	
6. --वही--	82--मछरेहटा (अ० ज०)	श्रीमती उषा देवी, रायपुर मजरा सरायभाट, पो० मैनासीसरेया, जिला--सीतापुर, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया	
7. --वही--	75--बिसवां	अवधेश कुमार, ग्रा० समदापुर, पो० कमलापुर, जिला--सीतापुर, उत्तर प्रदेश ।	--वही--	
8. --वही--	--वही--	बलराम, ग्रा० व पो० भीनैनी, जिला--सीतापुर, उत्तर प्रदेश ।	--वही--	
9. --वही--	--वही--	मुन्नीलाल, ग्रा० सरैया मिर्जापुर, पो० बिसवां, जिला--सीतापुर, उत्तर प्रदेश ।	--वही--	

1	2	3	4	5
10.	उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1996	76-बिसवां	रामसिंह, ग्रा० उमराकलां, पो० लखुवाबेहड़ जिला-सीतापुर, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया ।
11.	—वही—	77-सिधौली (अ० जा०)	श्रीमती गंगादेई, ग्रा० पुरैता मजेर खुर्दा, पो० न्योराजपुर, जिला-सीतापुर, उत्तर प्रदेश ।	—वही—
12.	—वही—	—वही—	मेडी लाल, ग्रा० मऊ, पो० अटरिया, जिला-सीतापुर, उत्तर प्रदेश ।	—वही—
13.	—वही—	—वही—	श्रीराम, ग्रा० गोলামऊ पो० ज्योतिगह आलमपुर, जिला-सीतापुर, उत्तर प्रदेश ।	—वही—
14.	—वही—	79-सीतापुर	सुधीर कुमार उर्फ बबूल, ग्रा० करैया, म० जवाहरपुर, पो० रामकोट, जिला-सीतापुर, उत्तर प्रदेश ।	—वही—
15.	—वही—	—वही—	रामप्रसाद, मो० माखूपुर, खैराबाद, जिला-सीतापुर, उत्तर प्रदेश ।	—वही—
16.	—वही—	134-अयोध्या	श्री शेष नारायण मिश्रा, रामघाट चौराहा, महर्षि पतार्जलि विद्यामन्दिर के सामने, फैजाबाद, उत्तर प्रदेश ।	—वही—
17.	—वही—	135-बीकापुर	श्री वरगाही राम, ग्राम व पो० मजरुहीनपुर, जिला-फैजाबाद, उत्तर प्रदेश ।	—वही—
18.	—वही—	—वही—	श्री राम किशोर, ग्राम-पीडा (मुकीमपुर उर्फ पहाड़पुर) पो० मुबारकपुर उमरती, जिला-फैजाबाद, उत्तर प्रदेश ।	—वही—
19.	—वही—	—वही—	श्री राम भारत, ग्राम-मुकीमपुर, पो० शाहगंज, जिला-फैजाबाद, उत्तर प्रदेश ।	—वही—
20.	—वही—	136-मिल्कीपुर	श्री अंगनू, ग्राम व पो० आदिलपुर, फैजाबाद, उत्तर प्रदेश ।	—वही—

1	2	3	4	5
21.	उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1996	136—मिल्कीपुर	श्री बाबादीन, ग्राम—कटैयाभारी, पो० सुरौली, फैजाबाद, उत्तर प्रदेश ।	कोई भी लेखा दाखिल करने में असफल रहे ।
22.	—वही—	—वही—	श्री बिहारी लाल, ग्राम—जासरपुर, पो० भीतरगांव, फैजाबाद, उत्तर प्रदेश ।	—वही—
23.	—वही—	—वही—	श्री भिन्नारी, ग्राम व पो० अमानीगंज (दण्डवा), फैजाबाद, उत्तर प्रदेश ।	—वही—
24.	—वही—	—वही—	श्री शिव कुमार, ग्राम—देवरा, पो० रौतावां, जिला—फैजाबाद, उत्तर प्रदेश ।	—वही—
25.	—वही—	—वही—	श्री साहब बकश यादव, ग्राम—परसबांपुरे बहुरोमियत, फैजाबाद, उत्तर प्रदेश ।	—वही—
26.	—वही—	138—हदौली	श्री शिव प्रसाद, ग्राम—डिगम्बरपुर, पो० मुबारकगंज, जनपद—फैजाबाद उत्तर प्रदेश ।	—वही—
27.	—वही—	—वही—	श्री सीता राम, ग्राम—वनीकोडर, पो० राममनेही- घाट, जिला—बाराबंकी, उत्तर प्रदेश ।	—वही—
28.	—वही—	—वही—	श्री निर्मल कुमार, ग्राम व पो०—न्यौरा, जिला—बाराबंकी, उत्तर प्रदेश ।	विधि द्वारा अपेक्षित रीति से लेखा लेखा दाखिल नहीं किया ।
29.	—वही—	139—बरियाबाद	चौ० राम कुमार, ग्राम—मरौचा (माफी) पो० कोटवाधाम, बाराबंकी, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया ।
30.	—वही—	—वही—	श्री अणोक कुमार, ग्राम—बिकौली, पो०—सफदरगंज, बाराबंकी, उत्तर प्रदेश ।	—वही—
31.	—वही—	—वही—	श्री ओंकार नाथ रावत, ग्राम—तुरकानी, पो० सफदरगंज, बाराबंकी, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया ।
32.	—वही—	—वही—	श्री केशव राम रावत, ग्राम—पुरे अडुर्ज, पो० गाजीपुर, बाराबंकी, उत्तर प्रदेश ।	—वही—

1	2	3	4	5
33.	उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1996	बरियाबाद	श्री नन्हें लाल, ग्राम—पेरी, पो०—मथादतगंज, बाराबंकी, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया ।
34.	—वही—	—वही—	श्री नृपेन्द्र कुमार, ग्राम व पो० टिकैत नगर, बाराबंकी, उत्तर प्रदेश ।	—वही—
35.	—वही—	—वही—	श्री सन्तोष कुमार, ग्राम—बेलहरी, पो०—अलिगंज, बाराबंकी, उत्तर प्रदेश ।	—वही—
36.	—वही—	—वही—	श्री सालिक राम, ग्राम—दनापुर कथामपुर, पो०—न्योली दनापुर, बाराबंकी, उत्तर प्रदेश ।	—वही—
37.	—वही—	140—सिद्धौर (अ०जा०)	मोका देवी, ग्राम—नरायनपुर, पो०—रामसनेहीघाट, बाराबंकी, उत्तर प्रदेश ।	—वही—
38.	—वही—	—वही—	चौधरी रीना कोरी, 11/834 इन्दिरा नगर, लखनऊ, उत्तर प्रदेश ।	—वही—
39.	—वही—	—वही—	श्री दुलीचन्द, ग्राम—कुम्हरावां, पो०—उसमानपुर, बाराबंकी, उत्तर प्रदेश ।	—वही—
40.	—वही—	140—सिद्धौर (अ०जा०)	श्री पितम्बर, ग्राम व पो०—किठैया, बाराबंकी, उत्तर प्रदेश ।	—वही—
41.	—वही—	141—हैदरगढ़	श्री कमलेश कुमार, ग्राम—कैथी मजरे मुस्तफाबाद, बाराबंकी, उत्तर प्रदेश ।	—वही—
42.	—वही—	142—मसौली	श्री उसमान अहमद, ग्राम व पो०—मसौली, बाराबंकी, उत्तर प्रदेश ।	—वही—
43.	—वही—	143—नवाबगंज	श्री परशुराम, ग्राम—जलालपुर, पो०—बड़ा डाकघर, जिला—बाराबंकी, उत्तर प्रदेश ।	—वही—
44.	—वही—	—वही—	श्री बृजेंद्र सिंह, ग्राम व पो० मुजीबपुर नवाबगंज, जिला—बाराबंकी, उत्तर प्रदेश ।	—वही—

1	2	3	4	5
45.	उत्तर प्रदेश 9वधान सभा के लिए साधारण निर्वाचन, 1996	143—नवाबगंज	श्री गुफरान अली, उर्फ चार बाबू, मौ०—लखपेड़ाबाग, कोतवाली, बाराबंकी, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया ।
46.	—वही—	—वही—	श्री गोकर्ण नाथ, ग्राम—गनौरा, पो०—श्रीराम बनकुटीर, जिला—बाराबंकी, उत्तर प्रदेश ।	—वही—
47.	—वही—	—वही—	श्री बैजनाथ, ग्राम—गोपालपुर, पो०—देवां, तह०—नवाबगंज, जिला—बाराबंकी, उत्तर प्रदेश ।	—वही—
48.	—वही—	—वही—	श्री रवि वैश्य, कृषि टोला, कानूनगोयान शहर बाराबंकी, तह०—नवाबगंज, जिला—बाराबंकी, उत्तर प्रदेश ।	—वही—
49.	—वही—	—वही—	श्री राम प्रकाश, बन्नीरोशनपुर, पो०—खासीसराय, तह०—फतेहपुर, बाराबंकी, उत्तर प्रदेश ।	—वही—
50.	—वही—	144—फतेहपुर (अ०जा०)	श्री सन्तगम, ग्राम व पो०—बिश्नुपुर, बाराबंकी, उत्तर प्रदेश ।	—वही—
51.	—वही—	—वही—	श्री कालिका प्रसाद, ग्राम—बुढ़ना, पो०—बं दगी नगर, जिला—बाराबंकी, उत्तर प्रदेश ।	—वही—
52.	—वही—	—वही—	श्री लल्लू, ग्राम—खखरा, पो०—मजेर सरसवा, बाराबंकी, उत्तर प्रदेश ।	समय के अन्दर एवं विधि द्वारा अपेक्षित रीति से लेखा दाखिल नहीं किया ।
53.	—वही—	221 रसड़ा	कन्हैया, गा०—फि! तनहग, पो०—रसुलपुर, जिला—बलिया, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया ।

1	2	3	4	5
54.	उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1996	रसड़ा	जयराम, ग्राम नगपुरा आ गुरवा, पो०—टीकादेवरी, जिला—बलिया, उत्तर प्रदेश ।	कोई भी लेखा दाखिल नहीं किया ।
55.	—वही—	225—बांसडीह	श्री अमरनाथ, ग्राम—मनौली, पो०—डुमरिया, जिला—बलिया, उत्तर प्रदेश ।	—वही—
56.	—वही—	—वही—	जगेश्वर, ग्राम—खानपुर, पो०—डुमरिया, जिला—बलिया, उत्तर प्रदेश ।	—वही—
57.	—वही—	225—बांसडीह	दीन दयाल, ग्राम मनौली, पो. डुमरिया, जिला—बलिया, उत्तर प्रदेश ।	—वही—
58.	—वही—	—वही—	नगेश्वर, ग्राम—मनौली, पो. —डुमरिया, जिला—बलिया, उत्तर प्रदेश ।	—वही—
59.	—वही—	—वही—	महेन्द्र, ग्राम—खानपुर, पो. —डुमरिया, जिला—बलिया, उत्तर प्रदेश ।	—वही—
60.	—वही—	—वही—	हरिशंकर, ग्राम व पो. डुमरिया, जिला—बलिया, उत्तर प्रदेश ।	—वही—
61.	—वही—	227—बलिया	चन्द्र शोखर, ग्राम. परिखरा, पो. तिखमपुर, जिला—बलिया, उत्तर प्रदेश ।	—वही—
62.	—वही—	228—कोपाचीट	अम्बिका, ग्राम. सुजायस, पो. चितबड़ागांव, जिला—बलिया, उत्तर प्रदेश ।	—वही—
63.	—वही—	—वही—	बंका, ग्राम. कपूरी, पो. फेफना, जिला—बलिया, उत्तर प्रदेश ।	—वही—
64.	—वही—	—वही—	सुरेश, ग्राम व पो. बघीना, जिला—बलिया, उत्तर प्रदेश ।	—वही—
65.	—वही—	236—सैदपुर	नरसिंह यादव, ग्राम व पो. धीरहरा, जिला—वाराणसी, उत्तर प्रदेश ।	—वही—

1	2	3	4	5
66.	उत्तर प्रदेश विधान सभा के लिए, साधारण निर्वाचन, 1996	236—सैवपुर	राम प्रसाद, ग्राम सिंहपुर, पो. बीबेपुर, जिला—वाराणसी, उत्तर प्रदेश।	कोई भी लेखा दाखिल नहीं किया।
67.	—वही—	—वही—	वंशराज, ग्राम ब पोस्ट—बीबेपुर, जिला—वाराणसी, उत्तर प्रदेश।	—वही—
68.	—वही—	237—धानापुर	किशोर, ग्राम ब पो. —हमिलिया, वाराणसी, उत्तर प्रदेश।	—वही—
69.	—वही—	—वही—	राजाराम, ग्राम ब पो. डेरवां कलां, वाराणसी, उत्तर प्रदेश।	—वही—
70.	—वही—	238—चन्दौली (ग्र. जा.)	श्री गुलाब, ग्राम ब पोस्ट—असना, वाराणसी, उत्तर प्रदेश।	—वही—
81.	—वही—	—वही—	रामफल, ग्राम—गिहरी, पो. महवार, चन्दौली, वाराणसी, उत्तर प्रदेश।	—वही—
72.	—वही—	240—मुगलसराय	श्री शिव नारायण, ग्राम जलालपुर, पो. —कोरी, धाना—अलीनगर, वाराणसी, उत्तर प्रदेश।	—वही—
73.	—वही—	—वही—	श्री सतनाम, ग्राम रामपुर, पो. रामनगर, वाराणसी, उत्तर प्रदेश।	—वही—
74.	—वही—	241—वाराणसी कैन्ट.]	संजय कुमार, बी 62/4 सी सौनिया वाराणसी, उत्तर प्रदेश।	—वही—
75.	—वही—	—वही—	मंजूलत सिंह, एन.—1/26 बी मगवां लंका, वाराणसी, उत्तर प्रदेश।	—वही—
76.	—वही—	—वही—	बिहारी, ग्राम—खतांव, डाकघर—बच्छाब, धाना—रोहनियां वाराणसी, उत्तर प्रदेश।	—वही—
77.	—वही—	243—वाराणसी	श्री महुल, सी—27/31, जगतगंज, चेतगंज, कैन्ट वाराणसी, उत्तर प्रदेश।	—वही—
78.	—वही—	244—खिरईगांव	श्री गौरी शंकर, एस—1/80, नारायणपुर, वाराणसी, उत्तर प्रदेश।	—वही—

1	2	3	4	5
79.	उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1996	—वही—	राजकुमार राजभर, म. नं. — 22/83—क, मु. पुलकोहना (पुराना पुल), वाराणसी, उत्तर प्रदेश।	कोई भी लेखा दाखिल नहीं नहीं किया
80.	—वही—	246—गंगापुर	वकील, ग्राम—पूरे, पो. ठटारा, जिला—वाराणसी, उत्तर प्रदेश।	—वही—
81.	—वही—	—वही—	नागा यादव, ग्राम—मिल्की चक्र, पो. — गंगापुर, जिला—वाराणसी, उत्तर प्रदेश।	—वही—
82.	—वही—	—वही—	बाबू लाल, ग्राम—घमहापुर, पो. —काशीपुर, जिला—वाराणसी, उत्तर प्रदेश।	—वही—
83.	—वही—	262—राजगढ़	सफेदलाल, ग्राम—बर, पोस्ट—शिवद्वार, जनपद—सोनभद्र, उत्तर प्रदेश।	—वही—
84.	—वही—	—वही—	राम सूरत, ग्राम—ब पो. —राजगढ़, जनपद—मीरजापुर, उत्तर प्रदेश,	—वही—
85.	—वही—	263—चुनार	श्री बेबी प्रसाद, ग्राम—धनेता, पो०-डीमलपुर, जिला—मीरजापुर, उत्तर प्रदेश।	—वही—
86.	—वही—	—वही—	बेचन, ग्राम. ब पो०—भेगराहा, जिला—मीरजापुर, उत्तर प्रदेश।	—वही—
87.	—वही—	264—मसवा	श्री फूल कुमार, ग्राम—धनपुर, पो०-बिदापुर, मिर्जापुर, उत्तर प्रदेश।	—वही—
88.	—वही—	—वही—	रामनरेश, ग्राम—धिलमन देवरिया, पो०-भदौली, मिर्जापुर, उत्तर प्रदेश।	—वही—
89.	—वही—	—वही—	राजेन्द्र, ग्राम—सिकरी, पो०-पटारा, जिला—मिर्जापुर, उत्तर प्रदेश।	—वही—
90.	—वही—	265—मिर्जापुर	बुद्धलाल, ग्राम—गंगापुर, पो०-जिगना, मिर्जापुर, उत्तर प्रदेश।	—वही—
91.	—वही—	—वही—	ठाकुर प्रसाद, दामोदर पट्टी पो०-खमरिया, मिर्जापुर, उत्तर प्रदेश।	—वही—

1	2	3	4	5
92.	उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1996	265-मिर्जापुर	वकील अहमद, ग्राम-बामी, लहंगपुर, मिर्जापुर, उत्तर प्रदेश।	कोई भी लेखा दाखिल नहीं किया।
93.	—वही—	266-छानवे (अ०जा०)	श्री श्यामलाल, ग्राम-नेगुरारिबई सिंह पो०-जिगना, आर०एम०, जिला-मिर्जापुर, उत्तर प्रदेश।	—वही—
94.	—वही—	300-डेरापुर	होतीलाल उर्फ होरीलाल, ग्राम-चिखिरी, पो०-मंगलपुर, कानपुर देहात, उत्तर प्रदेश।	—वही—
95.	उत्तर प्रदेश विधान सभा के लिए उप-निर्वाचन, 1997	385-शिकारपुर (अ०जा०)	श्री रमेश, ग्राम-मुझारखेडा, खुर्जा, जिला-बुलन्दशहर, उत्तर प्रदेश	—वही—

[सं० 76/उ०प्र०-वि०स०/96]

आदेश से,

एन०एच० फारुकी, सचिव

ORDER

New Delhi, the 7th September, 1997

O.N. 216.—Whereas, the Election Commission is satisfied that each of the contesting candidate specified in column 4 of the table below at the General Election to the Legislative Assembly in the State of Uttar Pradesh as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the rules made thereunder as shown in column (5) of the said Table ;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notices and the Election Commission is thus satisfied that they have no good reason or justification for the said failure ;

Now, therefore, in pursuance of Section 10-A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order :—

TABLE

1.	2.	3.	4.	5.
1.	General Election to the Uttar Pradesh Legislative Assembly, 1996.	16-Kashipur	Daulat Singh, Ward No. 2 Aharpura, Vill. & PO. Mahuwakherhaganj, Teh. Kashipur (U.P.)	Failure to lodge any account of elec- tion expenses.
2.	-do-	-do-	Shyam Arora, PO. & Vill. Garhi-Negi, Teh. Kashipur (Udham Singh Nagar)	-do-
3.	-do-	-do-	Kunwar Pal Singh, Vill. Shivalpur, Amarjhanda, PO. Kashipur, (Udham Singh Nagar)	Failure to lodge account in the manner required by law.
4.	-do-	-do-	Harish, Mohalla-Rahamkhani, Kashipur, Distt. Udham Singh Nagar,	-do-

1	2	3	4	5
5.	General Election to the Uttar Pradesh Legislative Assembly, 1996.	74-Behta	Teji, Vill. & PO. Seota, Distt. Sitapur (UP)	Failure to lodge any account of elec- tion expenses.
6.	-do-	82-Machhrehta	Smt. Usha Devi, Raipura Mazara Saraihat, PO. Mansisaraian, Distt. Sitapur.	-do-
7.	-do-	75-Biswan	Avadhesh Kumar, Vill. Samdapur, PO. Kamlapur, Distt. Sitapur.	-do-
8.	-do-	-do-	Balram, Vill. & PO. Bhinaini, Distt. Sitapur.	-do-
9.	-do-	-do-	Munni Lal, Vill. Kothar, H/o-Basaiha, PO. Palhari, Distt. Sitapur.	-do-
10.	-do-	-do-	Ram Singh, Vill. Umrakalan, PO. Lakhuabehad, Distt. Sitapur.	-do-
11.	-do-	77-Sidhauli (SC)	Smt. Ganga Dai, Vill. Puraina, P.O. Khurda, Neorajpur, Distt. Sitapur.	
12.	-do-	-do-	Medi Lal, Vill. Mau, PO. Ataria, Distt. Sitapur, (Uttar Pradesh)	-do-
13.	-do-	-do-	Shri Ram, Vill. Goiamau, PO. Jy otishah Alampur, Distt. Sitapur.	-do-
14.	-do-	79-Sitapur	Sudhir Kumar urf Babloo, Vill. Karaiya, H/o Jawaherpur, PO. Ramkot, Distt. Sitapur, (U.P.)	-do-
15.	-do-	-do-	Ram Prasad, Moh. Makhupur, Khairabad, Sitapur (U.P.)	-do-
16.	-do-	134-Ayodhya	Shesh Narain Mishra, Ramghat Chauraha, Opp. Mhrishi Patanjali, Vidya Mandir, Faizabad (U.P.)	-do-
17.	-do-	135-Bikapur	Dargahee Ram, Vill. & PO. Dajruddinpur, Faizabad (U.P.)	-do-

1	2	3	4	5
18.	General Election to the Uttar Pradesh Legislative Assembly, 1996.	135—Bikapur	Ram Kishore, Vill. Pira (Mukimpur urf Paharpur), P.O. Mubarakpur Umarni, Faizabad.	Failure to lodge any account of election expenses.
19.	-do-	-do-	Ram Bharat, Vill. Mukimpur urf Paharpur, PO. Shahganj Faizabad. U.P.	-do-
20.	-do-	136—Milkipur	Angnoo, Vill. & P.O. Adilpur Faizabad (U.P.)	-do-
21.	-do-	-do-	Baba Din, Vill. Kataya Bhari P.O. Gharauli, Faizabad. (U.P.)	-do-
22.	-do-	136—Milkipur	Sh. Bihari Lal, Vill. Jalpur, P.O. Bhitargaon, Faizabad. (Uttar Pradesh)	-do-
23.	-do-	-do-	Bikhari, Vill. Sarai, Dhanethi, P.O. Anjrauli, Faizabad. (U.P.)	-do-
24.	-do-	-do-	Shiv Kumar, Vill. Devra, PO. Rotawan, Faizabad (U.P.)	-do-
25.	-do-	-do-	Sahab Bux, Yadav, Vill. Parsawan, Pure Bahelian, Faizabad. (U.P.)	-do-
26.	-do-	138—Rudauli	Shiv Prasad, Vill. Digamberpur, PO. Mubarakganj, Distt. Faizabad (U.P.)	-do-
27.	-do-	-do-	Sita Ram, Vill. Banikander, PO. Ramsanehighat, Distt. Barabanki (U.P.)	-do-
28.	-do-	-do-	Nirmal Kumar, Vill. & PO. Neora, Distt. Barabanki, (U.P.)	Failure to lodge account in the manner required by law.
29.	-do-	139—Dariabad	Ch. Ram Kumar, Yadav, Vill. Marucha (Mafi), PO. Kotva Dham Bara Banki, (U.P.)	Failure to lodge any account of election expenses.
30.	-do-	-do-	Ashok Kumar, Vill. Bikoli, PO. Safdaraganj Barabanki, (U.P.)	-do-

1	2	3	4	5
31.	General Election to the Uttar Pradesh Legislative Assembly, 1996.	139-Dariabad	Onkar Nath Rawat, Vill. Turkani, P.O. Safdarganj, Barabanki.	Failure to lodge any account of election expenses.
32.	-do-	-do-	Keshav Ram Rawat, Vill. Pure Adurj PO. Gazipur Barabanki (U.P.)	-do-
33.	-do-	-do-	Nenhe Lal, Vill. Peri PO. Saedarganj, Barabanki	-do-
34.	-do-	-do-	Nrupendra Kumar, Vill. & PO. Tikait Nagar, Barabanki (U.P.)	-do-
35.	-do-	-do-	Santosh Kumar, Vill. Belhari, PO. Alisabad, Barabanki (U.P.)	-do-
36.	-do-	-do-	Salik Ram, Vill. Danapur, Kathampur, Barabanki (U.P.)	-do-
37.	-do-	140-Siddhaur (SC)	Maika Devi Vill. Narainpur, PO. Ramsanehighat, Barabanki	-do-
38.	-do-	-do-	Ch. Reena Kauri, 11/834 Indira Nagar, Lucknow	-do-
39.	-do-	-do-	Duli Chand, Vill. Kumanpur, Barabanki	-do-
40.	-do-	-do-	Pitamber, Vill. & PO. Kithaiya, Barabanki (U.P.)	-do-
41.	-do-	141-Haidargarh	Kamlesh Kumar, Vill. Kaithi H/o Mustafabad	-do-
42.	-do-	142-Masauli	Usman Ahmad, Vill. & PO. Masauli, Distt. Barabanki	-do-
43.	-do-	143-Nawabguni	Parashu Ram, Vill. Jalalpur, PO. & Distt. Barabanki.	-do-
44.	-do-	-do-	Brijendra Singh Vill. & PO. Mujibpur, Distt. Barabanki (U.P.)	-do-
45.	-do-	-do-	Gufran Ali, Alias Chand Baboo, Moh. Lakhpera Bagh, Kotwali, Barabanki	-do-

1	2	3	4	5
46.	General Election to the Uttar Pradesh Legislative Assembly, 1996	143-Nawabgunj	Gokaran Nath, Vill. Ganaura, PO. Sri Ram Vankuti, Barabanki	Failure to lodge any account of election expenses.
47.	-do-	-do-	Baij Nath, Vill. Gopalpur PO. Barabanki	-do-
48.	-do-	-do-	Ravi Vaishya, Kurmintora, Kanoongoyan Barabanki	-do-
49.	-do-	-do-	Ram Prakash, Banni Reshanpur, Khasisarayan, Police Station Fatehpur Barabanki	Failure to lodge account in the manner required by law.
50.	-do-	144-Fatehpur (SC)	Sant Ram, Vill. & PO. Vishunpur, Barabanki (U.P.)	-do-
51.	-do-	-do-	Kalika Prasad, Vill. Budhana PO. Bandaginagar Distt. Barabanki (U.P.)	-do-
52.	-do-	-do-	Laloo, Vill. Khakhara, H/o Sarawan, PO. Sarsawan, Barabanki (U.P.)	Failure to lodge the account within time & in the manner required by law.
53.	-do-	221-Rasra	Kanhaiya, Vill. Chhitnahara, PO. Rasulpur Ballia, (U.P.)	Failure to lodge any account of election expenses.
54.	-do-	225-Bansdih	Amar Nath, Vill. Manauli, PO. Dumaria, (Ballia)	-do-
55.	-doK	-do-	Jageshar, Vill. Khanpur, PO. Dumaria, Ballia.	-do-
56.	-do-	-do-	Deen Dayal, PO. Manolali, PO. Dumaria, Ballia	-do-
57.	-do-	-do-	Nageshar, Vill. Manauli, PO. Dumaria, Ballia	do-
58.	-do-	-do-	Mahendar, Vill. Khanpur, PO. Dumaria, Ballia.	-od-
59.	-do-	-do-	Hari Shankar, Vill. ; & PO. Dumaria, Ballia.	-do-

1	2	3	4	5
60.	General Election to the Uttar Pradesh Legislative Assembly, 1996	227-Ballia	Chandra Shekhar, Vill. Parikhora PO. Tikhampur, (U.P.)	Failure to lodge any account of election expenses.
61.	-do-	228-Kopachit	Ambika, Vill. Sujayat, PO. Chitharagaun, Ballia	-do-
62.	-do-	-do-	Banka, Vill. Kapoori, PO. Phephana Distt. Ballia	-do-
63.	-do-	-do-	Suresh, Vill. & PO. Baghauna, Distt. Ballia	-do-
64.	-do-	236-Saidpur	Narsingh Yadav, Vill. & PO. Dhaurahara, Distt. Varanasi	-do-
65.	-do-	236-Saipur	Ram Prasad, Vill. Singhpur, PO. Choubeypur, Distt. Varanasi	-do-
66.	-do-	-do-	Vans Raj, Vill. ; & PO. Chaubeypur, Distt. Varanasi	-do-
67.	-do-	237-Dhanpur	Kishore, Vill. & PO. Imiliya Varanasi	-do-
68.	-do-	-do-	Raja Rnm, Vill. & PO. Derawakala, Varanasi	-do-
69.	-do-	238-Chandauli,	Gulab, Vill. & PO. Asana, Varanasi	-do-
70.	-do-	-do-	Ramphal, Vill : Gihiree PO. Majhrar, Chandauli, Varanasi	-do-
71.	-do-	240-Mughal Sarai	Shi v Narain, Vill : Jalalpur, PO. Kori, Police Station Alinagar, Varanasi	-do-
72.	-do-	241-Varanasi Cantt.	Sanjay Kumar, D-62/4 C Sonia Varanasi	-do-
73.	-do-	-do-	Manjulata Singh, No. 1/26 D Nagawa Lanka Varanasi	-do-
74.	-do-	-do-	Bihari, Vill. Khanao PO. Bachhao P.S. Rohila Varanasi	-do-

1	2	3	4	5
75.	General Election to the Uttar Pradesh Legislative Assembly, 1996.	243-Varanasi North	Mridul C-27/31 Jagat Ganj, Chait Ganj, Cantt. Varanasi (U.P.)	Failure to lodge any account of election expenses.
76.	-do-	244-Chiraigaon	Gouri Shanker, S-1/20, Narainpur, Varanasi (U.P.)	-do-
77.	-do-	-do-	Raj Kumar Rajbhar, H.No. 22/83, A, Pulkohna, Varanasi	-do-
78.	-do-	246-Gangpur,	Wakeel, Vill. Pure, PO. Thatra, Varanasi (U.P.)	-do-
79.	-do-	-do-	Naga Yadav, Vill. Milkichakra, PO. Gangpur, Varanasi	-do-
80.	-do-	-do-	Babu Lal, Vill. Chamhapur, PO. Kashipur, Varanasi	-do-
81.	-do-	262-Rajgarh	Saffed Lal, Vill. Var, PO. Shivdwar, Distt. Sonbhadra	-do-
82.	-do-	-do-	Ram Surat, Vill. & PO. Raigarh, Distt. Mirzapur	-do-
83.	-do-	263-Chunar	Devi Prasad, Vill : Dhanaita, PO. Domanpur, Mirzapur	-do-
84.	-do-	264-Majhawa	Phul Kumar, Vill. Dhannupur, P.O. Vidapur, Mirzapur, (U.P.)	-do-
85.	-do-	-do-	Ram Naresh, Vill. Dilman, Deoria, P.O. Bhadoali, Mirzapur	-do-
86.	-do-	-do-	Rajendra, Vill. Sikri, PO Pahara, Mirzapur	-do-
87.	-do-	265-Mirzapur	Buddhoo Lal, Vill : Gangpur, P.O. Mirzapur (U.P.)	-do-
88.	-do-	-do-	Thakur Prasad, Dhamodar Patti, P.O. Khamariya, Mirzapur	-do-
89.	-do-	-do-	Wakeel Ahmad, Bami, Lalganj, Mirzapur (U.P.)	-do-

1	2	3	4	5
90.	General Election to the Uttar Pradesh Legislative Assembly, 1996	266—Chhanvey (SC)	Shyam Lal, Vill. Negurarivai Singh, P. O. Jigna, P.S. Distt. Mirzapur, (U.P.)	Failure to lodge any account of election expenses.
91.	-do-	240—Mughal	Satnam, Vill & PO. Rampur, Ram Nagar, Varanasi (U.P.)	-do-
92.	-do-	263—Chunar	Vechen, Vill. & PO. Mangraha Distt. Mirzapur, (U.P.)	-do-
93.	-do-	221—Rasra	Jai Ram, Vill. Nagpura Gurva, PO. Teekadewari, Distt. Ballia (U.P.)	-do-
94.	-do-	300—Derapur	Hotilal urf Hori Lal, Vill. Chikhree PO. Mangalpur, Kanpur Dehat.	-do-
95.	Bye Election to the Uttar Pradesh Legislative Assembly, 1997	385—Shikarpur (SC)	Ramesh, Vill. Murakhera, Khurja, Distt. Bulandsahar, (U.P.)	-do-

By Order,
[No. 76/UP-LA/96]
L.H. FARUQI, Secy.

नई दिल्ली, 17 सितम्बर, 1997

आ.अ. 217.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग 1996 की निर्वाचन अर्जी सं. 2 में मध्य प्रदेश, उच्च न्यायालय, ग्वालियर के तारीख 21 जुलाई, 1997 के आदेश को एतद्वारा प्रकाशित करता है।

(आदेश अधिसूचना के अंग्रेजी भाग में छपा है।)

[सं. 82/म.प्र.—लो.स./((2/96)/97)]

आदेश से,

एस. एच. फारुकी, सचिव

New Delhi, the 17th September, 1997

O.N. 217.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the order of the High Court of Madhya Pradesh, Gwalior dated 21st July, 1997 in Election Petition No. 2 of 1996.

उच्च न्यायालय, मध्य प्रदेश, जबलपुर BENCH GWALIOR

प्रकीर्ण सिविल/वाणिज्यिक मारुता क्रमांक Election Petition No. 2/1996

Shashi Bhushan Bajpai, Petitioner

आवेदक

Chitara Oli, Madhavganj,
Lashkar, Gwalior (M.P.)

Shri Madhavrao Scindia, Respondent

बिरोधी पक्षकार

Jai Vilas Palace, Gwalior (M.P.)

Election Petition u/s. 30 and 81 of the Representation of People Act, 1951 in respect of 03 Gwalior Parliamentary Constituency in Madhya Pradesh.

के लिए आवेदन पत्र।

याचिका आवेदक के वकील श्री

Shashi Bhushan Bajpai identified by Shri Sanjay Agrawal Advocate.

दिनांक 24-6-1996 को प्रस्तुत की गई।

आवेदनपत्र दिनांक Dated, the 21st July, 1997

माननीय न्यायमूर्ति श्री Hon'ble Justice Shri Taj Shankar J

और माननीय न्यायमूर्ति श्री

के समक्ष आवेदक के वकील श्री

Petitioner Advocate Shri D. S. Adil Advocate.

और बिरोधी पक्षकार के वकील श्री

Respondent Advocate Shri R. D. Jain with Shri N. K. Modi, Advocate. को उपस्थिति

में अंतिम सुनवाई के लिए प्रस्तुत किया जाना था। न्यायालय द्वारा निम्नलिखित आदेश Dated, the 21st July, 1997 पारित किया गया :

आदेश

ATTACHED

Election Petition No. 2 of 1996

Shashi Bhushan Bajpai Petitioner

Vs.

Madhavrao Scindia Respondent

ORDER

This election petition has been preferred by the petitioner u/s 80 and 81 of the Representation of People Act, 1951 (hereinafter referred to as the Act) for declaring the election of the respondent from 03 Gwalior Parliamentary Constituency held on 7-5-96 null and void on the ground that the respon-

dent and his election agent had committed corrupt practices within the meaning of Section 123 and 100(1)(d)(iv) of the Act.

(2) An application was moved by the respondent on 15-11-96 raising preliminary objections. It was alleged in the application that the election petition u/s 80 and 81 of the Act was filed against the respondent. The copy of the election petition has been supplied to him was accompanied by a copy of the affidavit which was not in accordance with rule 94-A of the conduct of Elections Rules, 1961, inasmuch as the affidavit referred to in the proviso to sub-section (1) of Section 83 was required to be sworn before a Magistrate of the first class or a notary or a commissioner of oaths and it has to be in Form 25. The election petition was on the ground of corrupt practices and the affidavit should have been as mentioned in rule 94-A in Form 25. The other objection raised was that the Registrar at Jabalpur had made an endorsement regarding presentation on the first page of the petition but no such endorsement was there on the copy of petition supplied to the respondent. Hence the copy supplied was not the true copy, as required u/s 81(3) of the Act. It was, therefore, prayed that the petition be dismissed. Written reply was filed by the petitioner against this application which shall be dealt with in detail. Another petition was moved by the respondent on 12-12-96. This purports to be a petition in continuation of the earlier petition making reference to the reply of the petitioner. It was prayed in this application as well that the petition be dismissed for breach of mandatory provisions. This too was replied by the petitioner. The respondent further moved an application on 30-1-97 praying that the copy of the election petition received by the respondent along with the notice of the Court be taken on record. Similar petition was moved again on 5-2-97 which is dated 3-2-97. It too was replied by the petitioner by filing written reply.

(3) Learned counsel for the parties have been heard at great length on all the aforesaid applications as the preliminary questions raised did not require any evidence. The preliminary objection raised by the learned counsel for the respondent is that the petition be dismissed at threshold as it did not comply with the mandatory provisions of the Act. The learned counsel for the petitioner, however, submitted that the first question which has to be decided by the Court is as to whether copy of the election petition submitted by the respondent on 30-1-97 should be taken on record or not because an objection relating to non-compliance of law with respect to the copy served has also been raised. I, therefore, proceed to dispose of the application dated 30-1-97 as well as dated 3-2-97 filed on 5-2-97 initially. In the first application dated 30-1-97 the respondent had simply mentioned that he was filing copy of the original election petition received by the respondent and it be taken on record whereas the application dated 3-2-97 filed on 5-2-97 is a detailed application and it is in continuation of earlier application. The prayer in both these applications is the same that the document be taken on record. The learned counsel for the respondent contended that the document can be taken on record as the issues have not been framed and the provisions of the Code of Civil Procedure (hereinafter referred to as the C.P.C.) apply by virtue of S. 87 of the Act. No application is actually necessary for filing documents before framing of issues. He, therefore, urged that the document be taken on record. On the other hand, it has been contended that the application has been moved 7 months after filing of the petitions and it has no merit. The application dated 30-1-97 did not disclose any reason for delayed submission of the document. As regards the application dated 3-2-97 filed on 5-2-97 the objection of the learned counsel is that the copy submitted by the respondent has not been shown to have been received by the respondent through the process of the Court. The learned counsel also contended that it has no where been alleged in the application that the election petition is not attested under the signature of the petitioner to be a true copy of the petition and there was no due compliance. He urged that the petitioner had submitted along with the election petition only one copy of the petition for service on the respondent as there was only one respondent in the case. About the maintainability of the application and taking of the documents he urged that as the preliminary objection was raised by the respondent in order to cut the right of the petitioner the documents ought to have been submitted in the Court on first instance when the application was

submitted on 15-11-96 challenging the maintainability of the election petition.

(4) As far as the prayer of the respondent for taking on record the copy of the election petition is concerned, I do not think that this question needs elaborate consideration. It has not been contested by the learned counsel for the parties that the provisions of the C.P.C. are applicable to election petitions. Both the parties have made reference to the C.P.C. Learned Counsel for the petitioner referred to the provisions of 0.13 R. 2 C.P.C. and argued that the contention that no application was required for filing documents on record is incorrect because 0.13 R. 2 C.P.C. makes obligatory for the applicant to show good cause to the satisfaction of the Court for non-production of document by him at the first instance. The learned counsel also argued that if the contention is taken to be correct that issues were not framed then no order was necessary to be sought from the Court with respect to the documents.

(5) If we peruse the provisions of 0.13 R. 1 we find that it requires production of documents by the parties or their pleaders on which they rely and which has not already been filed in the Court at or before the settlement of issues. The words "at or before the settlement of issues" are important. To me it appears that this rule enables a party or his pleader to produce a document at or before settlement of issues, Rule 2 applies to these cases where documentary evidence which should have been produced in accordance with the requirements of rule 1 have not been filed. Under that provision no document can be received at subsequent stage unless good cause is shown. Admittedly in the case in hand issues have not been framed as yet. Consequently a party can file a document even before the settlement of issues. In this view of the matter lengthy arguments advanced by the learned counsel for the parties about the right of the respondent to file copy of the election petition is cut short. Any party to my mind, has a right to file a document at or before settlement of issues, on which he relies. Of course he is required to show good cause if the document is not produced as required under rule 1. There was actually no necessity of filing these applications and the respondent could file the document as a right. In this view of the matter, the applications dated 30-1-97 and 3-2-97 moved in the Court on 5-2-97 deserve to be allowed. They are allowed and the document is, therefore, taken on record.

(6) Now, I come to the main objection of the learned Counsel for the respondent which is two fold. Firstly, it has been argued that only ground on which the election of the respondent has been challenged is corrupt practices. Under the proviso to S. 83(1)(c) of the Act it has been provided that where the petitioner alleges any corrupt practice the petition is also required to be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. The learned counsel pointed out that under rule 94-A "Form of the affidavit to be filed with election petition" has been provided. It has been urged that it has to be sworn before a Magistrate of the First Class or a notary or commissioner of oaths and it should be in Form 25 which provides a proforma in which affidavit has to be sworn in. It further provides that it is to be sworn in before a Magistrate of the first class or a notary or a commissioner of oaths. The affidavit filed along with the petition purports to be in compliance of S. 83(c) is neither in the prescribed Form 25 nor it has been sworn before the competent authority mentioned in the rule. It has also been urged that verification too is not valid because it has not been shown as to which part is sworn by personal knowledge and which part by belief. The learned counsel urged that as the provisions have not been complied with the petition deserves dismissal at the threshold. In support of the contention he referred to several authorities.

(7) The next contention of the learned counsel is that the copy of the petition served on the respondent is not the true copy inasmuch as it does not bear the endorsement of the authority before whom it was filed and the affidavit was sworn in. On the other hand, the contention of the learned counsel for the petitioner is that no affidavit is required with regard to the allegations envisaged u/s 100(1)(d)(iv) of the Act as they do not constitute allegations of corrupt practices within the meaning of S. 123 of the Act. The learned counsel drew my attention to paragraphs 9 and 10 and sub-paragraphs and contended that these allegations have

been made u/s 100(1)(d)(iv) of the Act and they do not require any affidavit. As far as allegations relating to corrupt practices enumerated in the petition, he urged that the petitioner has filed an affidavit as required under the proviso to S. 83. The contention of the learned counsel for the respondent is that the election petition is only based on corrupt practices is wholly incorrect because the allegations made in para 9 and sub-paragraphs A to R refer to gross violation of the provisions of the Act and the rules and orders made thereunder. They also contravene the guidelines issued by the Election Commission. The argument that the affidavit is not in conformity with the provisions of S. 81(1)(c) is also incorrect. The affidavit was made on solemn affirmation by the petitioner before the Deputy Registrar of the M.P. High Court. Reference has been made to the provisions of oaths Act, 1969 and it has been contended that the power to administer oaths has been conferred upon the persons empowered in this behalf by the High Court in respect of affidavits for the purposes of judicial proceedings. The learned counsel contended that by notification No. 39-1-22-18-27 dated 5-1-72 an amendment was made in rule 1 Chapter 3 of the M.P. High Court Rules which conferred the power on Deputy Registrar to administer oath or receive affidavits on solemn affirmation to be used in the High Court and the Supreme Court. The designation of the person is not material. The powers to perform the functions of an oath Commissioner are derived from the Oaths Act. The respondent has not denied that Deputy Registrar can administer oath on solemn affirmation. There is no mention in rule 94A and Form 25 as to what kind of oath commissioner is empowered to administer oath or receive affidavit on solemn affirmation. So far as second argument regarding the requirement of verifying separately by knowledge and belief he found himself in tight corner as the verification is both by knowledge and belief. He simply urged that the Court can call for a fresh affidavit. It is mere irregularity if at all. In support of this contention the learned counsel also referred to certain authorities which shall be discussed hereinafter. Both the learned counsel during the course of their arguments laboured hard in distinguishing the cases relied upon by the adverse party.

(8) As far as the argument relating to the copy of the election petition served on the respondent, the learned counsel urged that the copy of the petition served on the respondent is in accordance with the provisions of S. 81(3) of the Act and the contention to the contrary is incorrect.

(9) The first objection of the learned counsel for the respondent, as pointed out above, relates to the affidavit filed with the election petition in compliance of the provisions of the proviso to S. 83(1)(c) of the Act. Before dealing with this aspect it is important to mention that according to the learned counsel for the respondent the only ground on which election has been challenged is corrupt practices and this allegation requires to be supported by an affidavit as provided under the proviso. This contention has been challenged by the learned counsel for the respondent and it has been pointed out that it is incorrect to say that the election has been challenged only on the ground of corrupt practices. Reference has been made to paras 9, and 10 their sub-paragraphs. It has been argued that they relate to the allegations u/s 100(1)(d)(iv) of the Act and as such they do not require any affidavit in support thereof because it amounts to non-compliance of the rules or orders made under the Act. In order to resolve this controversy we have to look into the allegations made in para 9 and 10 of the election petition. In para 9 there are several sub-paragraphs from A to R. If we go deep into this paragraphs we find that the petitioner himself has alleged in this paragraph that the grounds mentioned therein constitute corrupt practices. It is important to mention the relevant words used in this paragraph itself. They are :—

"The corrupt practices and violation of the provisions of the R.P. Act and rules/orders are enumerated below relating to discrepancies, omissions, illegalities, mis-representations, incorrectness and falsification of accounts as the statement of account does not reflect correct and complete statement of all expenses incurred or authorised by the respondent and his election Agent"

The averment made in para 1 of the affidavit also shows that paras 9 and 10 are included therein and they have been shown to relate to corrupt practices. Thus, according to the petitioner himself the violation of the rules amounts

to corrupt practices which he has enumerated from A to R.

(10) Again a perusal of para 10 shows that the allegations made in this paragraph relate to the fact that according to the petitioner the respondent had shown a total expenditure of Rs. 1,39,608.25 which was not the correct or authorised by the respondent and his election agent. The total expenditure incurred by the respondent had exceeded the limit of Rs. 4,50,000. It has also been mentioned in this paragraph that the result of election in so far as it concerns the respondent has been materially affected by non-compliance with provisions of the Act and Conduct of Elections Rules and guide-lines, orders/directions of the Election Commission by committing corrupt practices within the meaning of s. 123 and S. 100(1)(d)(iv) of the Act. Thus, in both the paragraphs the petitioner has made categorical assertion that the averments made therein constitute corrupt practices. In this view of the matter, the contention of the learned Counsel for the petitioner that the averments made in para 9 and its sub-paragraphs and para 10 do not relate to corrupt practices and only constitute the violation of the provisions of the Act, Conduct of Elections Rules, guide-lines/orders/directions of the Election Commission is not correct.

(11) Apart from what has been said above, I may also mention that s. 123 of the Act enumerates the corrupt practices. Clause (6) of this section refers to "The incurring or authorising of expenditure in contravention of section 77". The allegations made in paragraphs 9 and 10 can safely be said to be covered by clause (6) of s. 123. In this view of the matter also it does not appear to me to be correct that the allegations made in para 9 and 10 are not covered within the meaning of corrupt practices. Besides these two paragraphs nothing has been shown by the learned counsel for the petitioner which may go to show that the election of the respondent has been challenged on any other ground other than corrupt practices. Consequently it has to be held that the contention of the learned Counsel for the respondent that the only ground of challenge of the election of the respondent is corrupt practices has to be accepted. I, therefore, hold that the election of the respondent has been challenged on the ground of corrupt practices alone as contended by the learned Counsel for the respondent.

(12) Having concluded that the election of the respondent has been challenged on the ground of corrupt practices, it has to be seen as to whether proviso to s. 83(1)(c) has been complied with or not. There is no dispute between the learned Counsel for the parties that if the petitioner alleges any corrupt practices the petition has to be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof as provided for in the proviso. It has been contended by the learned counsel for the respondent that the affidavit accompanying the petition is not in accordance with rule 94A and Form 25 as required under the law and as such the petition is liable to be thrown. Petitioner's learned counsel pointed out that the affidavit filed is in compliance with the proviso. Rule 94A of the conduct of Elections Rules provides for form of affidavit to be filed with election petition. Under this provision an affidavit has to be sworn before a Magistrate of the first class or a notary or a Commissioner of Oaths and it has to be in Form 25. Thus, there are two requirements of this rule. Firstly, the affidavit must be verified before a Magistrate of the first class or a notary or a commissioner of oaths and secondly it has to be seen as to whether the affidavit is in conformity with the provisions of the rules and if it is found that it is not in prescribed form the next question that arises for consideration is the effect of the non-compliance of the proviso. The affidavit accompanying the petition shows that it contains two paragraphs. The first paragraph shows that statements made in paragraphs 1 to 5 and 7 to 11 about the commission of corrupt practices as mentioned in s. 123(6) read with s. 77, 100(1)(d)(iv) and rules 86 and 90 of the Conduct of Election Rules and particulars of such practices have been sworn by the petitioner as true to his knowledge and belief whereas para 2 has been sworn by the petitioner to be true to his information received from sources mentioned therein and he believed them to be true. This affidavit was sworn before the Deputy Registrar of this Court at Jabalpur. The first contention of the learned counsel for the respondent is that the Deputy Registrar is not competent person within the meaning of rule 94A and as such the affidavit is no affidavit in the eyes of law. It should have

been sworn before a Magistrate of the first class or a notary or a commissioner of oaths. On the other hand, it has been argued, as mentioned above, that under the Act the power to administer oath has been conferred upon the Deputy Registrar by the High Court in respect of affidavits for the purpose of judicial proceedings. By notification No. 39-1-22-18-27 dated 5-1-72 an amendment was made in M. P. High Court Rules by virtue of which the Deputy Registrar was empowered to administer oath or receive affidavits on solemn affirmation to be used in the High Court and the Supreme Court. The learned counsel urged that the designation of the person is not very material. What is relevant is whether the Deputy Registrar can administer oath or receive affidavit on solemn affirmation. It has not been denied by the respondent that Deputy Registrar can administer oath or receive affidavit on solemn affirmation. In From 25 it has nowhere been stated that what kind to Oath Commissioner is empowered to administer oath or receive affidavit on solemn affirmation. I have already shown that the provisions of rule 94-A require that the affidavit has to be sworn before a Magistrate of the first class or a notary or a commissioner of oaths. Thus, under this provision the affidavit can be sworn before these three authorities alone i.e. a Magistrate of the first class or a notary or a commissioner of oaths. It cannot be said that this is merely illustrative. If the rule specifically authorises who can administer oath it cannot be doubted that the provisions of conduct of Elections Rules have to be complied with and if there is any law to the contrary even then these Rules have to be complied. There is no dispute between the parties that the affidavit in question was sworn before the Deputy Registrar at Jabalpur. Chapter III of the M.P. High Court Rules provides for affidavits. Under Rule 1 the Deputy Registrar, a notary public appointed under the Notaries Act and other persons mentioned in Section 539 of the Cr. P.C. and Section 139 of the C.P.C. are persons empowered to administer the oath or receive the solemn affirmation in the case of affidavits to be used in this Court and the Supreme Court. Thus, it is true that the Deputy Registrar has been empowered to administer oath in case of affidavits to be filed in this Court as well as in the Supreme Court. The rules framed by this Court in Chapter VII relates to "Rules Relating to Election Petitions". Rule 9 of these rules is very important. It provides:

"9. The rules of the High Court shall apply in so far as they are not inconsistent with the Representation of the People Act, 1951 or the rules, if any, made thereunder or the Civil Procedure Code or these rules in respect of all matter including processes and process fees, issuance of orders, copies and copying fees, deposit and withdrawal of money, forms, affidavits, etc."

In this way, these rules cannot supersede the provisions of rule 94-A. The contention of the learned counsel for the petitioner is that the Deputy Registrar is included within the meaning of "Oath Commissioner". He derives strength to his argument from the provisions of the Oaths Act. The contention of the learned counsel for the respondent is that rule 94-A of Conduct of Elections Rules shows that it is obligatory on the part of the petitioner that the affidavit is to be sworn only before the three authorities provided therein. He also urged that after 1966 Commissioner of Oaths Rules were framed in the State in the year 1977 at serial No. 5798-Teen-1-27-75 dated 25-3-77 and under these rules a provision has been made for appointment of Oath commissioner and presently oath commissioners are functioning all over the State. Hence, the contention that the Deputy Registrar is also included within the meaning of oath commissioner is not correct.

(13) The learned counsel for the petitioner placed reliance upon AIR 1964 SC 1545 (Murarka Radhey Shyam V. Khosinsah). In this case the affidavit was in the prescribed form but due to inexperience of the oath commissioner he made a mistake in the verification portion of the affidavit and it was, therefore, held that the mistake of the oath commissioner in verifying the affidavit could not be sufficient ground for dismissal of the petitioner's petition summarily. The mistake that was pointed out was that the Oaths Commissioner instead of "verified before me" used the words "verified by me". The signature of the deponent had been obtained in between the writing with respect to admission on oath of the contents of the affidavit by the petitioner and the verification by the Oaths Commissioner. It was

observed that according to the prescribed form the verification should be "solemnly affirmed or sworn by" "such and such" on "such and such date" before me. The Court observed that the verification of the affidavit of the petitioner apparently shows that it was not in the prescribed form but reading as a whole the verification carries the same sense as intended by the words mentioned in the prescribed form. The mistake of the oath commissioner was therefore, held to be insufficient for dismissal of the petition summarily. This view of the Tribunal was approved by the Apex Court. The question involved in the present case is not such. Here the contention is that the affidavit had been sworn before the Deputy Registrar who is not included within the authorities mentioned under Rule 94-A. It has to be seen as to whether the Deputy Registrar of the High Court comes within the ambit of oath commissioner as mentioned in Rule 94-A. Thus, to my mind, this authority does not help the learned counsel for the petitioner.

(14) The next authority on which much reliance has been placed by the learned counsel for the petitioner is the decision of the Apex Court reported in AIR 1966 SC 436 (Kamal Narain Sharma v. Dwarka Prasad Mishra). In that case the question that had arisen was that the election petition was supported by an affidavit sworn before a District Clerk of Court who was appointed Commissioner of Oaths u/s. 139 C.P.C. for administering oaths. He was a Clerk of District Court, Jabalpur. An objection was raised that the affidavit was not sworn before the proper authority as required under rule 94A of the Conduct of Elections Rules. It was, therefore, prayed that the election petition should be dismissed or the allegations about corrupt practices should be struck off. The objection was accepted by the Tribunal but the Tribunal allowed filing of proper affidavit and a fresh affidavit was taken on record. No action was taken against that order. A specific issue was struck with respect to the affidavit filed in support of his petition as to whether it was properly sworn before the competent officer to attest and authenticate an affidavit and did not comply with the provisions of S. 83 of the Act and the rules made thereunder. This Court had considered the question as to whether rule 94A was mandatory or directory but it did not address itself to the question whether the first affidavit was proper or not. The Apex Court observed that it was not considered perhaps due to the fact that the appellant seems to have conceded before the Tribunal that the first affidavit was not proper. This concession was sought to be withdrawn. While considering this question the Apex Court made an enquiry as to whether in the State of Madhya Pradesh there was any provision under which commissioner of oaths could be appointed but none was shown. Under these circumstances the Apex Court held that it may be that the affidavit sworn before the District Clerk may not be good for the purposes of Cr. P.C. vice versa but that is because the restriction is to be found in Section 139 of the one Code and S. 539 of the other. Rule 94A made no such condition and made receivable on affidavit sworn before a commissioner of oaths without specifying of what kind. In the case in hand the learned counsel contended that as the High Court amended the existing Rule 1 of Chapter III by notification No. 39-1-22-18-27 dated 5-1-72 and introduced the Deputy Registrar, hence he is the competent person to administer oath. Consequently, the affidavit sworn before the Deputy Registrar is a valid affidavit. I have carefully gone through the said authority. It may be mentioned that it was specifically held in that case that the affidavit sworn before Clerk of Court undoubtedly was valid as he was commissioner of oaths. Thus, it is important that the emphasis is on commissioner of oaths and as the Clerk of Court was commissioner of oaths empowered by the competent authority the affidavit sworn before him was held to be valid. To my mind, this authority lays down that the affidavit must be before a commissioner of oaths. The Court laid stress upon the fact that the person before whom the affidavit is verified should be a commissioner of oaths. It was, however, observed that rule 94A did not specify as to what kind of commissioner should be but the fact remains that the person before whom the affidavit has to be verified should be a commissioner of oaths. After 1966 all the rules existing were done away with and the High Court issued notification No. 5798-Teen-1-27-75 dated 25-3-77 under which in exercise of powers conferred u/s 139 C.P.C. read with S. 122 C.P.C. all the rules framed earlier were superseded and new rules were framed. These rules define "Oath Commissioner". Section 139 of the C.P.C. makes a provision for oath on affidavit by whom to be administered. The

aforesaid rules of 1977 were framed under this provision. In AIR 1975 SC 968 (Prabhunaranayan v. A. K. Shrivastava) it was laid down that the M. P. High Court Rules do not apply to the election petitions. The case of AIR 1966 SC 436 is distinguishable on another ground also. In that case the Court pointed out that the Apex Court made enquiry as to whether in the State of Madhya Pradesh there was any provision under which the commissioner of oaths was appointed but none was shown.

(15) The question now is as to whether the Deputy Registrar can be included within the definition of 'Oath Commissioner'. I have also said above that the rules framed u/s. 139 C.P.C. define 'Oath Commissioner' in rule 28 as follows :

“शपथ आयुक्त” से अभिप्रेत है कोई भी व्यक्ति जो अभिसाक्षी को शपथ दिलाने के लिए सिविल प्रक्रिया संहिता की धारा 139 (क) के अधिन या दण्ड प्रक्रिया संहिता की धारा 297 के अधिन प्राधिकृत किए गये सिविल न्यायालयों या मजिस्ट्रेटों से भिन्न हो या कोई भी अन्य न्यायालय जिसे सिविल प्रक्रिया संहिता की धारा 139 (ग) के अधिन साधारणतः या विशेष रूप से सशक्त किया गया हो ;”

Now if we revert to Chapter III Rule 1 of the High Court Rules we find that it makes a provision for administering oaths in case of affidavits to be used in the High Court and the Supreme Court. It authorises three authorities, i.e. Deputy Registrar, a notary public appointed under Notaries Act, 1952, and other persons mentioned in S. 539 Cr. P.C. and S. 139 C.P.C. To my mind, it clearly goes to show that there are three different authorities who have been empowered to administer oaths or receive affidavits on solemn affirmation. It is useful to mention here that the persons authorised to administer oaths u/s. 539 Cr.P.C. and Section 139 of the C.P.C. have been defined to be oath commissioner in the rules mentioned hereinabove of 1977. Consequently, Deputy Registrar is a different authority than that of oath commissioner. Of course he too has been authorised to administer oath and receive on solemn affirmation affidavits in the case to be used in the High Court and the Supreme Court. Thus, I am of the view that Deputy Registrar in spite of the fact that he has an authority to administer oath or receive solemn affirmation in the case of affidavits is a different authority and it cannot be said to be included in the definition of oath commissioner. Rule 94A of the Conduct of Elections Rules does not provide that an affidavit may be sworn before any other competent authority empowered to administer oath. Had there been a specific provision that affidavit may be sworn before any competent authority empowered to administer oath, in that case Deputy Registrar could be said to be a competent authority within the ambit of Rule 94A. As it prescribed only three specific authorities hence any rule to the contrary or any authority to whom the power to administer oath is conferred cannot be said to be included within the ambit of this rule. The aforesaid case of Murarka Radhey Shyam, therefore, does not support the contention that affidavits sworn before the Deputy Registrar is a valid affidavit in spite of the fact that the Deputy Registrar is much higher authority than that of District Clerk of Court. The simple reason is that the Apex Court had specifically held that the District Clerk of Court was undoubtedly a commissioner of oaths. I have already said above that the Deputy Registrar in spite of the fact that he has been authorised to administer oath, cannot be said to be included within the definition of commissioner of oaths. Hence, the affidavit which was to be filed in accordance with the proviso to S. 83(1)(c) must be as provided under rule 94A. As the affidavit sworn before the Deputy Registrar cannot be said to be an affidavit sworn before either of the three authorities mentioned in rule 94A, it cannot be held to be a valid affidavit in compliance with the said law. I, therefore, agree with the learned counsel for the respondent and hold that the affidavit filed along with election petition with respect to the allegations of corrupt practices is not an affidavit in compliance with the law.

(16) Learned counsel for the respondent has also attacked the verification of the affidavit filed along with the petition on another ground. He argued that it is also not in consonance with Form 25. The contention is that Form 25 provides the form in which the affidavit has to be filed. If we go through this form we find in the beginning of the affidavit that the deponent has to mention that he states on solemn affirmation/oath. Every paragraph has to be specifically sworn. In para 1 it has been mentioned that the deponent has to specify the contents of the paragraphs of

the accompanying election petition about the commission of the corrupt practice and to say on oath that they were true to his knowledge. In the other paragraph it is required that the deponent must mention that the statements made in paragraphs..... of the said petition and the paragraphs of the schedule annexed thereto were true to his information. Thus, it has to be specifically sworn as to what paragraphs are sworn to be true to his knowledge and what paragraphs are true to his information. The learned counsel for the petitioner, on the other hand, contended that the affidavit has been sworn by the deponent in accordance with law. I have carefully considered the contentions of the learned counsel for the parties and have also perused the affidavit in question. A perusal of the affidavit filed by the petitioner which is at page 31 of the petition shows that in para 1 he has mentioned certain paragraphs about the commission of corrupt practices and has sworn them to be true “to his knowledge and belief”. In the second paragraph it appears that it has been sworn on the basis of belief. There is also no mention of schedule. In the verification clause the deponent has made a sweeping verification to the effect that contents of para Nos. 1 and 2 of the above affidavit were true to his knowledge and belief. This verification cannot be said to be in conformity with the above form because there is no specification whatsoever as to what contents were true to the knowledge of the deponent and what were true on information. He has nowhere separated the allegations which were true to his knowledge and which were believed by him to be true. There is also no mention of schedule. I am, therefore, of the view that the affidavit is certainly not in conformity with the law as contended by the learned counsel for the respondent.

(17) Before parting with the question of the validity of the affidavit, I may also mention another argument of the learned counsel for the respondent. It has been contended by the learned counsel for the respondent that in the affidavit it has also to be mentioned by the deponent as to who gave him the information. This question came up for consideration before the Apex Court in the authority relied upon by the learned counsel for the petitioner reported in AIR 1973 SC 2513 (Krishan Chander V. Ramlal). In that case it was laid down that there is nothing in the Form 25 which requires the petitioner to state the source or sources of his information. It was also laid down that when there are specific rules made under the Act which govern the election petitions, no other Rules are applicable. Rule 7 of Chapter III of the M. P. High Court Rules which makes a provision that every affidavit should clearly express how much is a statement of the declarant's knowledge and how much is a statement made on his information or belief and must also state the sources or grounds of the information or belief with sufficient particularity. I have already said above that rule 9 of Chapter VII which deals with rules relating to election petitions provides that the High Court rules apply in so far as they are not inconsistent with the Representation of People Act, 1951 or the rules made thereunder. As clause (b) of Form 25 does not require the source of sources of information this rule being contrary, is not applicable. I, therefore, repel this contention of the learned counsel for the respondent. In view of what has been said above in the foregoing paragraphs I conclude that the affidavit filed by the petitioner along with election petition is not in accordance with law and is an invalid affidavit.

(18) Having found that the affidavit filed by the petitioner along with election petition is not a valid affidavit, it has to be seen as to what is its effect. Learned counsel for the respondent placed reliance upon AIR 1996 SC (Dr. Shipra etc. V. Shantilal Khoiwal) and contended that as the affidavit relating to corrupt practices is not in accordance with law the election petition has to be dismissed at its threshold. In this case the question was as to whether the copy of the election petition accompanied by supporting affidavit served on the respective respondent along with Form 25 prescribed under rule 94A of the Conduct of Elections Rules 1961 without attestation part duly verified by the District Magistrate/Notary/Oath Commissioner could be said to be “True and correct copy” of the election petition as envisaged in s.81(3) of the Act. The Apex Court took into consideration the entire law on the subject and the previous decisions of the Court and observed “Since the corrupt practices are required to be proved to the full, the element of vagueness would immediately vitiate the election petition”. It was also laid down : “Verification by a Notary or any other pres-

cribed authority is a vital act which assures that the election petitioner had affirmed before the notary etc. that the statement containing imputation or corrupt practices was duly and solemnly verified to be correct statement to the best of his knowledge or information as specified in the election petition and the affidavit filed in support thereof; that reinforces the assertions. It was further observed in that case that Form 25 mandates verification before the prescribed authority." Therefore, the compliance of the statutory requirement is an integral part of the election petition and true copy supplied to the returned candidate should as a since quanon contain the due verification and attestation by the prescribed authority and certified to be true copy by the election petitioner in his/her own signature. The principle of substantial compliance can not be accepted in the fact situation. Thus, this authority specifically shows that Form 25 mandates verification before the prescribed authority and the compliance of this statutory requirement is an integral part of the election petition.

(19) The learned Counsel also relied upon another decision of the Apex Court reported in 1997 Vol. 1 M. P. W. N.-Note 6 (Harcharan Singh Josh V. Shri Hari Kishan) in which the aforesaid authority of Dr. Shipra was relied upon. He also referred to a decision of this Court reported in 1997 (1) M.P.W.N. Note 174 (Dharmalal) where also this Court relied upon the aforesaid authority of Dr. Shipra. There are unreported decisions of this Court also on which reliance has been placed i.e. Election Petition No. 21/94 (Bhagwati Sharan) decided on 23-8-96, and No. 49/94 (Narendra) decided on 31-7-96. The learned Counsel for the petitioner contended that these authorities are not applicable. The unreported decisions as well as the case of Harcharan Singh show that they have been decided on the basis of Dr. Shipra's case. According to the learned counsel Dr. Shipra's case is not applicable because in that case the supporting affidavit which was served on the respondent did not contain any verification. The plea taken by the respondent was that the copy served on the respondent along with Form 25 without attestation part duly verified cannot be said to be true and correct copy as envisaged u/s 81(3) of the Act. Thus, the question that had arisen for consideration pertained to the absence of any attestation on the copy of the petition served on the respondent as a result of which the respondent was not in a position to ascertain whether, in fact, contents of the affidavit were sworn, affirmed and signed before Magistrate or notary or a person in whose presence swearing on affirmation was made had the authority to administer oath and further that the respondent was not in a position to point out whether the person who is said to have administered the oath was in existence or signature and endorsement on the affidavit purported to have been made by that authority were fake. The Court took into consideration as to what constitutes a true copy. The learned Counsel laid emphasis upon para 10 of the Judgment. I have carefully considered the contention of the learned Counsel for the parties and have also gone through the aforesaid authority. No doubt, it is true that in Dr. Shipra's case a preliminary objection was raised relating to copy of the petition together with the affidavit in support of the election petition. It was contended that they did not contain due verification and attestation by the prescribed authority. The petition was not maintainable u/s 81(1)(c) of the Act. While considering the preliminary objection the Apex Court, as pointed out above, took into consideration as to what was the requirement of law. I have already quoted above, the relevant portion from the aforesaid Judgment which clearly goes to show that verification by a notary or any other prescribed authority is a vital act which assures that the election petitioner had affirmed before the notary etc. that the statement containing imputation or corrupt practices was duly and solemnly verified to be correct statement to the best of his knowledge or information as specified in the election petition and the affidavit filed in support thereof. Thus, to contend that the authority dealt with the question of copy alone does not appear to be correct. To my mind, this authority specifically lays down that Form 25 must be verified and attested by the prescribed authority and it has been said so in this case. In the teeth of this fact that the Court specifically held that Form 25 mandates verification before the prescribed authority, the contention is wholly unfounded. This authority, to my mind, applies on all force and fully supports the learned Counsel for the respondent. It has also been relied upon in subsequent decision of the Apex Court as well as of this Court in the aforesaid decisions.

(20) Learned Counsel for the petitioner argued that the petition cannot be dismissed as its threshold for two reasons. Firstly, besides corrupt practices there are also other grounds on which the election has been challenged and secondly s.86 of the Act provides that the petition can be dismissed only if it does not comply with the provisions of sections 81 or 82 or 117. In the present case non-compliance of provision to s.81(3) has been alleged, hence, it cannot be dismissed at its threshold. As far as the first part of the argument is concerned I may reiterate that the contention of the learned counsel for the petitioner is that apart from corrupt practices averments made in para 9 and 10 and their sub-paragraphs pertain to allegations u/s 101(1)(d)(iv) and they did not require any affidavit as they did not contain corrupt practices. This question has already been discussed in the earlier part of this order and it has been found that even these allegations constitute corrupt practices even according to the petitioner himself. Thus, this contention is not correct. In support of his contention that the petition cannot be dismissed at its threshold u/s 86 because under this section a petition can be dismissed only if there is non-compliance of s.81, 82 or 117 the Learned counsel placed reliance upon AIR 1974 SC 968 (Prabhunaryan V. A. K. Shrivastava). In that case the Apex Court observed that according to s.86 only petitions which do not comply with the provisions of s. 81, 82 or 117 are liable to be dismissed. I may mention here that in that case the affidavit filed in support of the election petition was in accordance with Form 25. In Dr. Shipra's case a similar argument was raised before the Apex Court which has been mentioned in para 12 of the Judgment. There the argument was that the petition could not be dismissed u/s 86 at the threshold on account of the omission on the part of the Registry of the High Court to point out the same as per its procedure cannot be countenanced. The Apex Court observed "Lapse on the part of the Registry is not an insurance to deny to the returned candidate the plea that the attestation of the affidavit and its certification to be a true copy is an integral part of the pleadings in the election petition". It was specifically held that "Sections 81, 83 (1) (c) and 86 read with rule 94A of the Rules and Form 25 are to be read conjointly as an integral scheme. When so read, if the Court finds on an objection, being raised by the returned candidate, as to the maintainability of the election petition, the Court is required to go into the question and decide the preliminary objection. In case the Court does not up-hold the same, the need to conduct trial would arise. If the Court up-holds the preliminary objection, the election petition would result in dismissal at the threshold as the Court is left with no opinion except to dismiss the same". Thus, this observation is complete answer to the argument of the learned counsel for the petitioner based upon Prabhunaryan's case. It has been specifically ruled that section 81, 83(1)(c) read with rule 94A and Form 25 are to be read conjointly as an integral scheme. Consequently there is no escape from the conclusion that as the petitioner did not comply with the requirements of rule 94A and Form 25 the petition deserves to be dismissed at its threshold as the election has been challenged solely on the ground of corrupt practices, as said above.

(21) Apart from what has been said above. I may also mention another argument of the learned counsel for the respondent. The objection is that copy of the petition served on the respondent is not the true copy as it does not bear an endorsement of the authority before whom the petition was verified and the affidavit was sworn. In support of this contention the respondent has filed copy of the election petition served upon him and which has been taken on record as discussed above. In reply to this contention the argument of the learned counsel for the petitioner is that the copy of the election petition which has been served on the respondent clearly shows that the affidavit was sworn before the Deputy Registrar who was authorised to administer oath. The copy filed by the respondent which was served upon him shows that it has been attested to be true copy by the petitioner himself. Endorsement on the copy is to the effect that "Attested to be a true copy under my own signatures". It purports to have been signed by the petitioner. It does not bear any endorsement of the authority before whom it was verified and the affidavit was sworn. In the aforesaid case of Dr. Shipra Copy of affidavit supplied to the respondent did not contain verification by the notary who had attested the original affidavit filed along with election petition certifying to be a true copy. In the case in hand, as said earlier,

even the original affidavit was not sworn before the competent authority. The copy shows that the affidavit was sworn before the Deputy Registrar. The law requires that the copy must also show that verification was made by the notary who had attested the original affidavit filed along with election petition. In that case it was held in para 11 that :

"Therefore, compliance of the stationary requirement is an integral part of the election petition and true copy supplied to the returned candidate should as a sine quanon contain the due verification and attestation by the prescribed authority and certified to be true copy by the election petition in his/her own signature. The principle of substantial compliance cannot be accepted in the fact situation." As the original affidavit itself was not properly sworn before the competent authority it can safely be said that the copy

supplied was not in conformity with the law. This ground too can, therefore, be said to be a ground for dismissal of the petition at the threshold.

(22) In view of what has been said above I uphold the preliminary objection of the learned counsel for the respondent and hold that essential requirements of law have not been complied with. The election petition is accordingly dismissed at its threshold. The costs of the petition shall, however, be borne by the parties.

Sd. - Tej Shankar, Judge
Election Judge
21-7-1997

[No. 82/MP-IIP/2(96)/97]
By order,
L. H. FARUQI, Secy.

नई दिल्ली, 17 सितम्बर, 1997

आ.अ. 218.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग इसके द्वारा निदेश देता है कि उसकी तारीख 30 मार्च, 1993 की अधिसूचना सं. 434/महा.लो.स./93(2) में निम्नलिखित संशोधन किये जायेंगे, अर्थात्:—

उक्त अधिसूचना से संलग्न सारणी के स्तम्भ 2 में क्रम संख्या 4, 6, और 8 पर विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जायेंगी:—

सारणी

संसदीय निर्वाचन क्षेत्र के रिटनिंग ऑफिसर की क्रम संख्या और नाम	सहायक रिटनिंग ऑफिसर
1	2
4—मुम्बई दक्षिण संसदीय निर्वाचन क्षेत्र का रिटनिंग ऑफिसर	2 अपर अधीक्षक, स्टाम्प, मुम्बई सिटी टाउन हॉल, सेंट्रल लाइब्रेरी, शहीद भगत सिंह रोड, फोर्ट, मुम्बई-400001
6—मुम्बई उत्तर केन्द्रीय संसदीय निर्वाचन क्षेत्र का रिटनिंग ऑफिसर	सक्षम प्राधिकारी, बृहत्तर मुम्बई, डी. डी. बिल्डिंग, चौथी मंजिल, ओल्ड कर्टम हाउस, फोर्ट मुम्बई-400001
8—मुम्बई उत्तर पश्चिम संसदीय निर्वाचन क्षेत्र का रिटनिंग ऑफिसर	विशेष भूमि-अर्जन अधिकारी नं. 4 मुम्बई उप-नगरीय जिला डी. एन. रोड, अंधेरी (पश्चिम), मुम्बई-400058

आदेश से,
[सं. 434/महा.लो.स./95(2)]
अजय मित्तल, निदेशक (प्रशासन), एवं प्रधान सचिव

New Delhi, the 17th September, 1997

O.N. 218.—In exercise of the powers conferred by Sub-section (1) of Section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby directs that the following amendment shall be made in its Notification No. 434/MT-HP/93(2), dated 30th March, 1993; namely —

In column 2 of the table appended to the said Notification, for the existing entries at serial numbers 4, 6 and 8 following entries shall be substituted :—

TABLE

No. & Name of Returning Officer of the Parliamentary Constituency	Assistant Returning Officer(s)
1	2
4. Returning Officer of 4-Mumbai South Parliamentary Constituency	2. Additional Superintendent of Stamps, Mumbai City Town Hall Central Library, Shahid Bhagat Singh Road, Fort, Mumbai-400 001.
6. Returning Officer of 6-Mumbai North Central Parliamentary Constituency	Competent Authority, Greater Mumbai, D.D. Building, 4th Floor, Old Custom House, Fort, Mumbai-400 001.
8. Returning Officer of 8-Mumbai North West Parliamentary Constituency	Special Land Acquisition Officer, No. 4, Mumbai Suburban District, D.N. Road, Andheri (West), Mumbai-400 058.

By order,
[No. 434 MT-HP/95(2)]
AJAY MITTAL, Director (Administration)-
Cum-Principal Secy.

नई दिल्ली, 30 सितम्बर, 1997

आ.अ. 219.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग इसके द्वारा यह निदेश देता है कि इसकी तारीख 7 मार्च, 1994 की अधिसूचना स. 434/हरि./94(1) में आयोग की तारीख 27 जून, 1994, 11 अगस्त, 1995, 18 मार्च, 1996, 21 मार्च, 1996, 30 दिसम्बर, 1996 और 3 जून, 1997 द्वारा यथासंशोधित निम्नलिखित संशोधन किए जाएंगे, अर्थात्:—
उक्त अधिसूचना में संलग्न सारणी में:—

1. मद संख्या 5—रोहतक के सामने, विद्यमान प्रविष्टि, "1—सम्पदा अधिकारी (एच.यू.डी.ए.) रोहतक" के स्थान पर "1—जिला राजस्व अधिकारी, रोहतक" प्रविष्टि, "5—जिला राजस्व अधिकारी रोहतक" के स्थान पर "5—जिला राजस्व अधिकारी झज्जर" प्रविष्टि, "6—महायक निदेशक कन्सोलीडेशन आफ होल्डिंग, रोहतक" के स्थान पर "6—अतिरिक्त उपायुक्त झज्जर", प्रविष्टि "7—जिला विकास एवं पंचायत अधिकारी, रोहतक" के स्थान पर "7—जिला विकास एवं पंचायत अधिकारी, झज्जर" प्रविष्टि और "9—नगराधीश रोहतक" के स्थान पर "9—जिला विकास एवं पंचायत अधिकारी, रोहतक," प्रविष्टि, और
2. मद संख्या 6—फरीदाबाद के सामने विद्यमान प्रविष्टि "9—भूमि अर्जन अधिकारी, गुडगांव" के स्थान पर "9—जिला विकास एवं पंचायत अधिकारी, गुडगांव" प्रविष्टि, और

3. मद संख्या 9—हिसार के सामने विद्यमान प्रविष्टि "1—नगराधीश हिसार" के स्थान पर "1—अतिरिक्त उपायुक्त हिसार" प्रविष्टि, और
4. मद संख्या 10—सिरसा (अ.जा.) के सामने विद्यमान प्रविष्टि "1—सम्पदा अधिकारी (एच.यू.डी.ए.) हिसार" के स्थान पर "1—जिला राजस्व अधिकारी, फतेहाबाद" प्रविष्टि, और "3—अतिरिक्त उपायुक्त, हिसार" के स्थान पर "3—अतिरिक्त उपायुक्त, फतेहाबाद, प्रविष्टि प्रतिस्थापित की जायेगी।

[सं. 434/हरि./94(1)]
आदेश से,
के. जे. राय, सचिव

New Delhi, the 30th September, 1997

O.N. 219.—In exercise of the powers conferred by sub-section (1) of Section 22 of the Representation of the People, Act, 1951 (43 of 1951), the Election Commission hereby directs that the following amendments shall be made in its Notification No. 434/HN/94(1) dated 7th March, 1994 as amended by Commission's Notification dated 27th June, 1994, 11th August, 1995, 18th March, 1996, 21st March, 1996, 30th December, 1996 and 3rd June, 1997 namely:—

In the table appended to the said Notification:—

- (1) Against item No. 5-Rohtak, for the existing entry, "1-Estate Officer, HUDA, Rohtak" the entry "1. District Revenue Officer, Rohtak", for the existing entry "5-District Revenue Officer, Rohtak", the entry "5-District Revenue Officer, Jhajjar", for the existing entry "6-Assistant Director Consolidation of Holding, Rohtak" the entry "6-Additional Deputy Commissioner, Jhajjar", for the existing entry "7-District Development and Panchayat Officer, Rohtak"

the entry "7-District Development and Panchayat Officer, Jhajjar", and for the existing entry "9-City Magistrate, Rohtak", the entry "9-District Development and Panchayat Officer, Rohtak" ; and

(2) Against item No. 6-Faridabad for the existing entry. "9-Land Acquisition Officer, Gurgaon", the entry "9-District Development and Panchayat Officer, Gurgaon" ; and

(3) Against item No. 9-Hissar for the existing entry. "1-City Magistrate, Hissar", the entry "1-Additional Deputy Commissioner, Hissar" ; and

(4) Against item No. 10-Sirsa (S.C.) for the existing entry "1-Estate Officer HUDA, Hissar", the entry "1-District Revenue Officer, Hissar", and for the existing entry "3-Additional Deputy Commissioner, Fatehabad".

Shall be substituted,

[No. 434/HN/94(1)]

By Order,

K. J. RAO, Secy.